



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.S.(MD)No.21 of 2019

and

C.M.P.(MD)No.879 of 2019

WEB COPY

The Special Tahsildar (LA)
Adi Dravidar Welfare,
Taluk Office,
Paramakudi

...Appellant/Land Acquisition Officer

Vs.

1. Murugesan Asari (Died)
2. Neela
3. Pasunkili
4. Thamarai
5. Valarmathi
6. Karthikeyan

...Respondents/Claimants

(R2 to R6 are brought on record
as Legal Representative of the deceased
sole respondent)

PRAYER: This Appeal Suit is filed under Section 54 of the Land Acquisition Act, against the decree and judgment dated 21.07.2009 made in L.A.O.P.No.7 of 2000 on the file of the Sub Court, Paramakudi.

For Appellant : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

For Respondent : Mr.S.Ramesh
for M/s.V.Raghavachari for R2 to R6
R1-Died

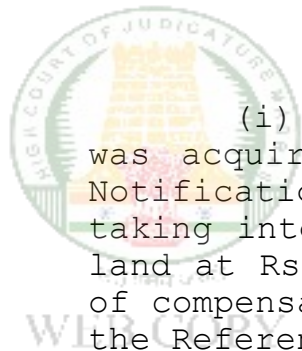
JUDGMENT

Aggrieved over the order of the Tribunal, enhancing the compensation at the rate of Rs.1,700/- per cent, the present Appeal Suit came to be filed.

2. For the sake of convenience, the parties are referred to herein, as per their rank before the Trial Court.

3.The brief facts, leading to the filing of this Appeal Suit, are as follows:-

<https://hcservices.ecourts.gov.in/hcservices/>



(i) In Survey No.391/1, an extent of 0.97.5 hectares of land was acquired for issuing free house sites for Adi-Dravidar under Notification dated 10.08.1994. The Land Acquisition Officer, after taking into consideration the value of the land, fixed the value of land at Rs.13,300/- per acre. Aggrieved against the meager amount of compensation awarded, the claimant has preferred an appeal before the Reference Court.

(ii) Before the Tribunal, on the side of the claimant, the claimant was examined as C.W.1 and Exs.C1 to C4 were marked and on the side of the respondent R.W.1 was examined and Exs.R1 to R5 were marked.

4. The Land Acquisition Tribunal, after considering the fact that similarly situated lands were acquired three years back for the very same purpose, wherein, the compensation was fixed at Rs.1,200/- and taking note of lapse of three years in this case and increase in the market value fixed, enhanced the compensation at Rs.1,700/-, after deducting the development charges at the rate of 16.5% p.a. Aggrieved over the same, the present appeal is filed.

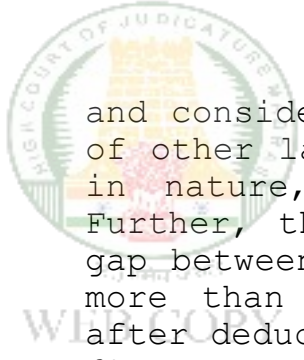
5. The learned Additional Government Pleader appearing for the appellant submitted that in earlier acquisition, Rs.1,200/- has been fixed, therefore, the amount fixed by the Land Acquisition Tribunal is excessive. Hence, he prayed for allowing this appeal.

6. The learned counsel appearing for the respondents has submitted that though the earlier acquisition took place in the same survey number, three years much before the present Notification and the previous lands were acquired situated in S.No.389/5, this Court, in A.S.No.259 of 1997, has confirmed the findings of the learned Subordinate Judge, Ramanathapuram, fixing the compensation at Rs.1,200/-, which was marked as Ex.C11 and hence, the Tribunal has taken note of Ex.A11 and fixed the compensation at Rs.1,700/-.

7. Now, the point for consideration is whether the compensation fixed by the Tribunal is reasonable and based on the evidence.

8. Heard both sides and perused the entire evidence.

9. Originally, the compensation was arrived by the Land Acquisition Officer to the tune of Rs.13,300/- per acre. In the reference court, the claimant sought to increase the compensation and adduced evidence in this regard and filed Exs.C1 to C11. In Ex.C1-Sale deed dated 07.07.1994, it is seen that in Survey No.398/4, an extent of one cent was sold for Rs.1,962/-. The above sale was much prior to the present acquisition and Notification and similarly acquired lands which was the subject matter of Survey No.179/1A1, this Court fixed the compensation of Rs.5,000/- per



and considered Ex.A1, A11 and A12-Judgment of this Court in respect of other lands acquired in previous Notification, which are similar in nature, wherein, the compensation was arrived at Rs.1,200/- Further, the Tribunal has taken note of the fact that there was a gap between the earlier acquisition and the present acquisition for more than three years and fixed the compensation of Rs.1,700/-, after deducting the development charges with interest at the rate of 6%.

10. On perusal of the entire evidence produced by claimant, this Court is of the view that the compensation fixed by the Tribunal is based on the evidence, particularly, documentary evidence. Therefore, the same does not warrant any interference.

11. In the result, the present Appeal Suit is dismissed, confirming the judgment and decree dated 21.07.2009 made in L.A.O.P.No.7 of 2000 on the file of the Sub Court, Paramakudi. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The Sub Court, Paramakudi.
2. The Special Tahsildar (LA)
Adi Dravidar Welfare,
Taluk Office, Paramakudi
3. The Section Officer, Vernacular Records,
Madurai Bench of Madras High Court,
Madurai(2 copies).

+1 CC to M/s.GP (SR-3037[F] dated 03/02/2021)

+1 CC to M/s.V.RAGAVACHARI, Advocate (SR-3243[F] dated 04/02/2021)

A.S. (MD) No.21 of 2019
02.02.2021

na(CO)

TR(26.02.2021) 3P 7C